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General Complaint Form for Pro Se Litigants

2005 NOV 17 PM 2: 33

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**Michael J. Mirras**

vs.

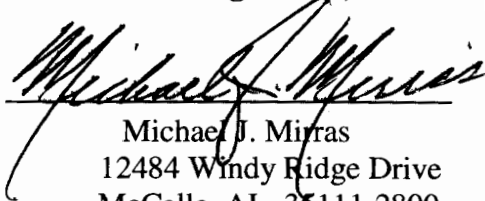
**Case No.:**

CV-05-J-2360-S

**Trans Union LLC**

1. At all time hereinafter mentioned, plaintiff was and still is a resident of the State of Alabama, County of Tuscaloosa. Plaintiff resides at 12484 Windy Ridge Drive, McCalla, Alabama, 35111
2. Defendant, Trans Union is a corporation incorporated under the laws of Delaware and has a main office at PO Box 2000, Chester, Pennsylvania, 19022 and is licensed to do business in Alabama. Defendant's official business address is 555 W. Adams St., Chicago, IL. 60661
3. The Jurisdiction of this court is invoked pursuant to the Fair Credit Reporting Act 15 USC §1681, *et seq.* Section 618 §1681p.
4. Statement of Claim:  
The Defendant Trans Union has violated the law and the Plaintiffs civil rights under the Fair Credit Reporting Act 15 USC §1681, *et seq.* (See attached claim/complaint and Statement upon which relief can be granted.)

Dated this 17<sup>TH</sup> day of November 2005

  
Michael J. Mirras  
12484 Windy Ridge Drive  
McCalla, AL. 35111-2800  
205-938-1982/559-4610

1                   **IN THE UNITED STATES DISTRICT COURT**  
2                   **FOR THE NORTHERN DISTRICT OF ALABAMA**  
3                   **SOUTHERN DIVISION**

4  
5           **Michael J. Mirras**  
6           Plaintiff

7  
8  
9           Vs.

**Case No.:**

10  
11  
12           **Trans Union LLC**  
13           Defendant

14  
15  
16                   **PLAINTIFFS' STATEMENT OF CLAIM**

17  
18           COMES NOW the Plaintiff, Michael J. Mirras.

19  
20           Cause of action: Under the Fair Credit Reporting Act Sections [15 U.S.C. § 1681n],  
21           [15 U.S.C. § 1681o]

22  
23           Plaintiff respectfully submits Plaintiffs Statement of Claim and Statement Upon  
24           Which Relief Can Be Granted. Trial by Jury is demanded.

25  
26  
27                   **Statement of Claim**

28  
29           The Defendant is a National Credit Reporting Agency and is governed under the  
30           law by the Fair Credit Reporting Act 15 USC §1681, *et seq.*

31           Thus establishing the jurisdiction of this honorable court. Specifically section 618  
32           15 U.S.C. § 1681p of the FCRA.

33           As such the Defendant reports and maintains credit ratings and credit worthiness  
34           of consumers for their customers namely Banks, Credit Card Companies,  
35           Mortgage lenders, collection agencies, insurance companies and other credit  
36           reporting agencies etc.

- 37  
38           1. The Plaintiff requested a copy of his Credit Report from Trans union in October  
39           2003. The Plaintiff found erroneous and inaccurate information in the report and  
40           disputed this with Trans Union by Certified Mail which was received by Trans  
41           Union on October 7,2003.  
42  
43           2. Trans Union sent the Plaintiff an updated report dated November 04,2003 #  
44           122086805-008. Upon inspection Trans Union had deleted seven (7) accounts  
45           they had been reporting erroneously. However the account name on the report

was in the name of a Michael J. Mirras Jr. Although the social security number on the report belonged to the Plaintiff and Trans Union reported accurate accounts belonging to the Plaintiff. The report also indicated that the Plaintiff had been in "Trans Unions files since 05/2001". Further the Plaintiff found a second report sent to him in the same envelope 122086805-008 listed in the name of Michael J. Mirras Jr. with additional trade lines listed in it belonging to the Plaintiff. The address on the report was from a former address of the Plaintiff. With the statement that "you have been in our files since 12/1984". Upon inspection the Plaintiff then found that the Defendant had re-inserted two of the deleted accounts found on the first page of the enclosed first report into this second report. WFS Financial and Providian. The Defendant did not inform the Plaintiff of the re-insertion within 5 days of this action as required under FCRA. The Plaintiff's legal name is Michael J. Mirras and has no legal document showing any other name nor has the Plaintiff ever used any name other than as stated.

3. The plaintiff then disputed the information in the report of November 04,2003 with Trans Union via US Mail and received a report from Trans Union dated December 08,2003 #12086805-011 the name on the report was correct and the report stated that "you have been in or files since 05/2001". Trans Union had deleted three (3) additional derogatory accounts. This report consisted of 5 double sided pages. Upon further inspection by the Plaintiff there was found to be an additional report with the Plaintiffs former address on it consisting of 4 double sided pages Plaintiff's name on it along with the Plaintiff's Social Security Number. This report stated "you have been in or files since 12/1984". However Trans Union had re-inserted 4 previous accounts/trade lines WFS Financial and Sherman Acquisition and Gates Credit Union 2 times which they had removed/deleted from the report of November 04,2003# 122086805-008. Upon further inspection a third report was found consisting of one double sided page in the Plaintiffs name from another previous address stating "you have been in our files since 10/2003". However Trans Union had re-inserted two previous accounts/trade lines WFS Financial and Sherman Acquisition which they had removed/deleted from the report of November 04,2003. The defendant did not inform the Plaintiff of this within five days as required under the FCRA. Nor at any time before or after receipt of this report on any of the aforementioned reinserted trade lines.
4. The Plaintiff sent another letter Certified Mail to Trans Union dated March 5,2004 which Trans Union received on March 9,2004 to dispute additional derogatory and erroneous accounts that had been list on the report of December 08,2003 #12086805-011. The Plaintiff in his letter to Trans Union also asked the Defendant to provide the method they used to verify the information and the contact name of the person for each trade line in dispute that the Plaintiff was disputing as follows. *"Be advised that the description of the procedure used to determine the accuracy and completeness of the information is hereby requested as well, to be provided within 15 days of the completion of your re-investigation.*

- 192     *Please include a contact name from which all information is obtained”.*  
 193     This is the Plaintiffs right under the law FCRA 15 U.S.C. 1681i The Plaintiff also  
 194     enclosed in this letter additional proof of identity a copy of the Plaintiffs US  
 195     Passport and Alabama driver’s license.  
 196     To date the Defendant has never provided the requested information. Additionally  
 197     the Plaintiff sent letters of validation to all the trade lines in dispute directly  
 198     through US mail certified asking the companies to validate their listing in the  
 199     Plaintiff’s Trans Union report.  
 200     To date the Plaintiff has never received a response from any of these trade line  
 201     accounts listed as disputed trade lines. The Plaintiff has all certified mailings and  
 202     letters showing the dates received and signed for by these trade lines. These letters  
 203     were sent in the same time frame as Trans Union should have been doing their  
 204     investigation, March 9,2004 through April 7,2004 as Trans Union is required  
 205     under the law to perform these investigations within 30 days.  
 206
- 207     5. On or about April 6, 2004 the Plaintiff received two credit reports dated  
 208     04/02/2004 #12086805-018 one in the name of Michael J. Mirras Jr. and stating  
 209     “you have been in our files since 12/1984”. The other report in the name of the  
 210     Plaintiff Michael J. Mirras stating “you have been in our files since 05/2001”  
 211     Both reports bore the correct social security number of the Plaintiff. The report in  
 212     Mirras Jr. had two trade lines deleted Loan Servicing Center and Green  
 213     Tree/Retail. The report with the Michael J. Mirras on it had the same two trade  
 214     lines re-inserted into that report. At no time did Trans Union inform the Plaintiff  
 215     with in five days as required under the law that the re-insertion had occurred.  
 216     Upon further inspection of the report with the name correct on it, appeared  
 217     another trade line re-inserted namely Providian, which had been deleted from the  
 218     report of December 08, 2003. Again no notice of the re-insertion as required  
 219     under the law with in five days. Also the defendant did not provide their method  
 220     of contact and a contact phone number as demanded in the Plaintiffs letter of  
 221     March 5,2004.  
 222
- 223     6. The Plaintiff called by telephone to the 800 number listed on the report to the  
 224     Defendants office on or about April 6,2004 and spoke with a representative who  
 225     identified himself as Jason. The Plaintiff asked for explanation of why there are  
 226     two reports with different names on them and why the Defendant had reinserted  
 227     the previously deleted trade lines? The representative said he would fix this and  
 228     send a new report. On or about April 13,2004 the Plaintiff received the report  
 229     dated April 09,2004. The report was in the Name of the Plaintiff Michael J.  
 230     Mirras. Plaintiff’s social security number was correct and the report stated “you  
 231     have been in our files since 12/1984”. The Defendant had again re-inserted into  
 232     this report the Providian trade line which had been deleted in the Plaintiff’s report  
 233     of 12/08/2003 no notification of this being re-inserted was received by the  
 234     Plaintiff within five days as required by the FCRA.  
 235
- 236     7. On April 20,2004 the plaintiff sent another letter as follow up to dispute the report  
 237     dated April 9,2004. The Plaintiff also included in this letter, copies of all letters



138 the Plaintiff had sent to the derogatory trade lines along with copies of the  
139 certified mailings as proof of contact with these company/trade lines. And  
140 informed the Defendant that the Plaintiff had done this during the same time  
141 period that the Defendant was doing their investigation and received no response  
142 from any of these companies.

143 The Plaintiff also asked the question *"how did you Trans Union verify these*  
144 *accounts when the Plaintiff had not gotten any verification from any of these*  
145 *companies?"* The Plaintiff also informed the Defendant of their unlawful action  
146 and that if the Plaintiffs reports were not corrected that he would seek legal action  
147 against Trans Union. To date Trans Union has never responded to any of these  
148 letters with any type of defense or explanation.

- 149  
150 8. On May 2,2004 the Plaintiff sent a follow up letter to the Defendant. In reference  
151 to the previous letter sent to the Defendant on April 20,2004 as the Defendant did  
152 not answer that letter. In this letter the Plaintiff reiterated his objections to the  
153 erroneous and derogatory trade lines referenced in his letter sent on March 5,  
154 2004 and April 20,2004 The Plaintiff advised the defendant that he had asked for  
155 a description and contact name used to verify the derogatory information in the  
156 report, which the defendant had not removed.

157 The Plaintiff also reminded the Defendant that he had sent evidence of proof that  
158 the Plaintiff had contacted the disputed trade lines with no response from them.  
159 All letters the Plaintiff had sent to the derogatory trade lines along with copies of  
160 the certified mailings as proof of contact with these companies/trade lines had  
161 been sent to Trans Union via certified US Mail. And again informed the  
162 Defendant that the Plaintiff had done this during the same time period that the  
163 Defendant was doing their investigation and received no response from any of  
164 these companies.

165 The Plaintiff also asked the question a second time *"how did you Trans Union*  
166 *verify these accounts when the Plaintiff had not gotten any verification from any*  
167 *of these companies?"* The Plaintiff also informed the Defendant of their unlawful  
168 action and that if the Plaintiffs reports were not corrected that he would seek legal  
169 action against Trans Union. To date Trans Union has never responded to any of  
170 these letters with any type of defense or explanation.

- 171  
172 9. The plaintiff received a report # 122086805-029 from Trans Union dated  
173 07/05/2004. Plaintiff assumes this was a follow up report from his letter of dispute  
174 sent May 2,2004. The name on the report Michael J. Mirras Jr. with statement  
175 "you have been in our files since 12/1984". However under the law the Defendant  
176 must complete their investigation within 30 days and they are also allowed an  
177 additional 15 days when asked for contact information etc under the FCRA.  
178 Plaintiff received this report some time after July 5,2004 more then 60 days after  
179 the request for dispute and contact information. The Defendant had deleted 4  
180 accounts however some of these accounts were not disputed but had been  
181 removed for whatever reason the defendant saw fit.

182

- 183 10. The Plaintiff on or about July 10, 2004 disputed the erroneous and inaccurate  
184 information again at the Trans Union Internet site this was from the report  
185 supplied by the Defendant dated 07/05/2004 #122086805-029. These were  
186 accounts that were shown as being open but were actually closed.  
187
- 188 11. The Defendant sent the Plaintiff report #122086805-032 dated 08/11/2004 again  
189 in the name Michael J. Mirras Jr. with statement "you have been in our files since  
190 12/1984". The Defendant deleted two accounts BankFirst and Spiegel and these  
191 were good accounts and should have been reported as closed not deleted. Updated  
192 2 other accounts that had been disputed as in error but were not deleted from the  
193 report. Two of these accounts were part of the original dispute of April 20 and  
194 May 2, 2004  
195
- 196 12. Plaintiff then disputed the accounts from his original letters of April 20 and May  
197 2,2004 and 8/11/2004. At the Trans Union Internet site. Defendant responded  
198 with Plaintiffs report in the name of Michael J. Mirras Jr. #122086805-037 dated  
199 10/04/2004. With the statement "you have been in our files since 12/1984". One  
200 of the disputed items was deleted and the other 5 updated but not  
201 removed/deleted.  
202
- 203 13. The Plaintiff on or about October 24,2004 filed dispute at the Trans Union  
204 Internet site on erroneous trade lines that were disputed in the Plaintiffs letters of  
205 March, April and May 2004. The Defendant responded with a letter-dated  
206 10/26/2004. Saying this was considered "frivolous and we will not reinvestigate".  
207
- 208 14. On or about October 15,2004 the Plaintiff found an unauthorized inquiry dated  
209 October 2004 in his report at Trans Union. Plaintiff called Trans Union and asked  
210 them to verify that there had been an inquiry. The Plaintiff had not made any  
211 request for credit, thus there should not have been any new inquiries in the report.  
212 Trans Union confirmed the inquiry and the plaintiff asked to have a report sent to  
213 him. The Defendant sent report #122086805-042 the name on the report Michael  
214 J. Mirras Jr. with statement "you have been in our files since 12/1984". Also  
215 included was a separate report in the name of Michael J. Mirras Jr. with statement  
216 "you have been in our files since 10/2004". Inserted into that report was a  
217 previously deleted account that had been deleted from the report of  
218 11/04/2003#122086805-008.WFS Financial. The defendant sent no notice of re-  
219 insertion as required under the FCRA with in 5 days.  
220
- 221 15. The Plaintiff sent a letter to Trans Union certified mail on October 23,2004.  
222 Stating the issue about the aforementioned reinsertion of WFS Financial along  
223 with the a copy of the report page and the following documents as proof of the  
224 Plaintiffs identification for a second time, along with the statement that the correct  
225 name is Michael J. Mirras no Jr. ever. The Plaintiff sent the following documents  
226 as proof:  
227 Copies of the following: US Passport, US birth certificate, Alabama Drivers  
228 License and Social Security Card, cover pages from Experian and Equifax. This is

229 the second time the Plaintiff has sent documentation to prove his identity to the  
230 Defendant.

231

232 16. On November 4, 2004 the Plaintiff received a response to the letter the Plaintiff  
233 sent on October 23, 2004. The Defendant states that *'their records show that this*  
234 *creditor was previously verified as accurate. Therefore under FCRA we consider*  
235 *this dispute frivolous'*, WFN Value City, unfortunately this was not the account  
236 in question in Plaintiff's dispute letter of October 23, 2004 in fact this is an  
237 account in excellent standing. WFS Financial is the alleged creditor in question  
238 which again was deleted from the account in 11/04/2003 and has been re-inserted  
239 several times. Trans Union also states that they will need additional 15 days to  
240 investigate the other items sent.

241

242 17. On or about September 15, 2005 Plaintiff was reviewing his credit report that is  
243 monitored by Privacy Guard and found several erroneous issues. The defendant  
244 had again inserted WFS financial and EMC mortgage into the report without  
245 notification to the Plaintiff. These had originally been deleted in the Plaintiffs  
246 report of 11/04/2003 #122086805-008

247

248 18. Plaintiff also noticed three new trade lines issued AFS and NVNA. Plaintiff filed  
249 a dispute via certified mail to the defendant asking for contact name and phone  
250 number and informed the Defendant that 15 extra days were allowed for their  
251 investigation. The Defendant responded with a letter saying, "Verification  
252 Documents are not available". Dated 9/19/2005.

253

254 19. The Defendant then sent a new report dated 10/11/05(file # 144209481) and on  
255 that cover letter stated that the Plaintiff could ask for contact information, "name,  
256 address, telephone of anyone we contacted". The report was in the name of  
257 Michael J. Mirras with a statement "you have been in our files since 02/1993".  
258 Again the Plaintiff had requested this information in his letter of September  
259 19,2005 and was told "verification documents are not available" in the response  
260 from Trans Union dated September 19,2005. To date the Defendant has never  
261 supplied the requested contact information as requested by the Plaintiff.

262

263 20. Plaintiff has a negative Trans Union Credit Score of 547 as of this date and has  
264 been denied credit at reasonable rates and or at higher rates because of the  
265 negligent noncompliance actions and/or inaction's of the Defendant.

266

267 21. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 20  
268 hereinabove.

269

270 22. The Plaintiff alleges that the Defendant has violated the law and the Plaintiffs  
271 Civil Rights under the Fair Credit Reporting Act 15 USC §1681, *et seq.* The  
272 Plaintiff Seeks judgement on the following counts as listed.

273



274 23. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 23  
275 hereinabove.

276  
277 **§ 611. Procedure in case of disputed accuracy** [15 U.S.C. § 1681i]

278 (a) Reinvestigations of disputed information.

279 (1) Reinvestigation required.

280 (A) In general. If the completeness or accuracy of any item of information  
281 contained in a consumer's file at a consumer reporting agency is disputed by the  
282 consumer and the consumer notifies the agency directly of such dispute, the  
283 agency shall reinvestigate free of charge and record the current status of the  
284 disputed information, or delete the item from the file in accordance with  
285 paragraph (5), before the end of the 30-day period beginning on the date on which  
286 the agency receives the notice of the dispute from the consumer.

287 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),  
288 the 30-day period described in subparagraph (A) may be extended for not more  
289 than 15 additional days if the consumer reporting agency receives information  
290 from the consumer during that 30-day period that is relevant to the  
291 reinvestigation.

292 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall  
293 not apply to any reinvestigation in which, during the 30-day period described in  
294 subparagraph (A), the information that is the subject of the reinvestigation is  
295 found to be inaccurate or incomplete or the consumer reporting agency  
296 determines that the information cannot be verified.

297 (2) Prompt notice of dispute to furnisher of information.

298 (A) In general. Before the expiration of the 5-business-day period beginning on  
299 the date on which a consumer reporting agency receives notice of a dispute from  
300 any consumer in accordance with paragraph (1), the agency shall provide  
301 notification of the dispute to any person who provided any item of information in  
302 dispute, at the address and in the manner established with the person. The notice  
303 shall include all relevant information regarding the dispute that the agency has  
304 received from the consumer.

305 (B) Provision of other information from consumer. The consumer reporting  
306 agency shall promptly provide to the person who provided the information in  
307 dispute all relevant information regarding the dispute that is received by the  
308 agency from the consumer after the period referred to in subparagraph (A) and  
309 before the end of the period referred to in paragraph (1)(A).

310 (3) Determination that dispute is frivolous or irrelevant.

311 (A) In general. Notwithstanding paragraph (1), a consumer reporting  
312 agency may terminate a reinvestigation of information disputed by a  
313 consumer under that paragraph if the agency reasonably determines



314 that the dispute by the consumer is frivolous or irrelevant, including by  
315 reason of a failure by a consumer to provide sufficient information to  
316 investigate the disputed information.

317 (B) Notice of determination. Upon making any determination in  
318 accordance with subparagraph (A) that a dispute is frivolous or  
319 irrelevant, a consumer reporting agency shall notify the consumer of  
320 such determination not later than 5 business days after making such  
321 determination, by mail or, if authorized by the consumer for that  
322 purpose, by any other means available to the agency.

323 (C) Contents of notice. A notice under subparagraph (B) shall include

324 (i) the reasons for the determination under subparagraph (A); and

325 (ii) identification of any information required to investigate the  
326 disputed information, which may consist of a standardized form  
327 describing the general nature of such information.

328 (4) Consideration of consumer information. In conducting any reinvestigation  
329 under paragraph (1) with respect to disputed information in the file of any  
330 consumer, the consumer reporting agency shall review and consider all relevant  
331 information submitted by the consumer in the period described in paragraph  
332 (1)(A) with respect to such disputed information.

333 (5) Treatment of inaccurate or unverifiable information.

334 (A) In general. If, after any reinvestigation under paragraph (1) of any  
335 information disputed by a consumer, an item of the information is  
336 found to be inaccurate or incomplete or cannot be verified, the  
337 consumer reporting agency shall promptly delete that item of  
338 information from the consumer's file or modify that item of  
339 information, as appropriate, based on the results of the reinvestigation.

340 (B) Requirements relating to reinsertion of previously deleted material.

341 (i) Certification of accuracy of information. If any information is  
342 deleted from a consumer's file pursuant to subparagraph (A), the  
343 information may not be reinserted in the file by the consumer reporting  
344 agency unless the person who furnishes the information certifies that  
345 the information is complete and accurate.

346 (ii) Notice to consumer. If any information that has been deleted from  
347 a consumer's file pursuant to subparagraph (A) is reinserted in the file,  
348 the consumer reporting agency shall notify the consumer of the  
349 reinsertion in writing not later than 5 business days after the  
350 reinsertion or, if authorized by the consumer for that purpose, by any  
351 other means available to the agency.

352 (iii) Additional information. As part of, or in addition to, the notice  
353 under clause (ii), a consumer reporting agency shall provide to a  
354 consumer in writing not later than 5 business days after the date of the  
355 reinsertion

356 (I) a statement that the disputed information has been reinserted;

357 (II) the business name and address of any furnisher of information  
358 contacted and the telephone number of such furnisher, if reasonably  
359 available, or of any furnisher of information that contacted the  
360 consumer reporting agency, in connection with the reinsertion of such  
361 information; and

362 (III) a notice that the consumer has the right to add a statement to the  
363 consumer's file disputing the accuracy or completeness of the disputed  
364 information.

365 (C) Procedures to prevent reappearance. A consumer reporting agency shall  
366 maintain reasonable procedures designed to prevent the reappearance in a  
367 consumer's file, and in consumer reports on the consumer, of information that  
368 is deleted pursuant to this paragraph (other than information that is reinserted  
369 in accordance with subparagraph (B)(i)).

370 (D) Automated reinvestigation system. Any consumer reporting agency that  
371 compiles and maintains files on consumers on a nationwide basis shall  
372 implement an automated system through which furnishers of information to  
373 that consumer reporting agency may report the results of a reinvestigation that  
374 finds incomplete or inaccurate information in a consumer's file to other such  
375 consumer reporting agencies.

376 (6) Notice of results of reinvestigation.

377 (A) In general. A consumer reporting agency shall provide written notice to a  
378 consumer of the results of a reinvestigation under this subsection not later than  
379 5 business days after the completion of the reinvestigation, by mail or, if  
380 authorized by the consumer for that purpose, by other means available to the  
381 agency.

382 (B) Contents. As part of, or in addition to, the notice under subparagraph (A),  
383 a consumer reporting agency shall provide to a consumer in writing before the  
384 expiration of the 5-day period referred to in subparagraph (A)

385 (i) a statement that the reinvestigation is completed;

386 (ii) a consumer report that is based upon the consumer's file as that file is  
387 revised as a result of the reinvestigation;

388 (iii) a notice that, if requested by the consumer, a description of the procedure  
389 used to determine the accuracy and completeness of the information shall be

390 provided to the consumer by the agency, including the business name and  
 391 address of any furnisher of information contacted in connection with such  
 392 information and the telephone number of such furnisher, if reasonably  
 393 available;

394 (iv) a notice that the consumer has the right to add a statement to the  
 395 consumer's file disputing the accuracy or completeness of the information;  
 396 and

397 (v) a notice that the consumer has the right to request under subsection (d) that  
 398 the consumer reporting agency furnish notifications under that subsection.

399 (7) Description of reinvestigation procedure. A consumer reporting agency shall  
 400 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later  
 401 than 15 days after receiving a request from the consumer for that description.

402 (8) Expedited dispute resolution. If a dispute regarding an item of information in a  
 403 consumer's file at a consumer reporting agency is resolved in accordance with  
 404 paragraph (5)(A) by the deletion of the disputed information by not later than 3  
 405 business days after the date on which the agency receives notice of the dispute from  
 406 the consumer in accordance with paragraph (1)(A), then the agency shall not be  
 407 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the  
 408 agency

409 (A) provides prompt notice of the deletion to the consumer by telephone;

410 (B) includes in that notice, or in a written notice that accompanies a  
 411 confirmation and consumer report provided in accordance with  
 412 subparagraph (C), a statement of the consumer's right to request under  
 413 subsection (d) that the agency furnish notifications under that  
 414 subsection; and

415 (C) provides written confirmation of the deletion and a copy of a  
 416 consumer report on the consumer that is based on the consumer's file  
 417 after the deletion, not later than 5 business days after making the  
 418 deletion.

419 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,  
 420 the consumer may file a brief statement setting forth the nature of the dispute.  
 421 The consumer reporting agency may limit such statements to not more than  
 422 one hundred words if it provides the consumer with assistance in writing a  
 423 clear summary of the dispute.

424 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a  
 425 statement of a dispute is filed, unless there is reasonable grounds to believe that it is  
 426 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent  
 427 consumer report containing the information in question, clearly note that it is disputed  
 428 by the consumer and provide either the consumer's statement or a clear and accurate  
 429 codification or summary thereof.



(d) Notification of deletion of disputed information. Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) of this section to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information.

COUNT I through COUNT XI  
VIOLATION OF THE FAIR CREDIT REPORTING ACT

On November 4, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

COUNT II

On November 4, 2003 the Defendant re-inserted Providian into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

COUNT III

On December 08, 2003 the Defendant re-inserted Providian into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

COUNT IV

On December 08, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

COUNT V

On December 08, 2003 the Defendant re-inserted Sherman Acquisition into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

COUNT VI

On December 08, 2003 the Defendant re-inserted Gates into the Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)  
Plaintiff demands judgement in the amount of \$1000.00

477 COUNT VII

478

479 On December 08, 2003 the Defendant re-inserted Gates into the Plaintiffs report and  
480 did not provide 5 day notification as outlined in section 5(ii)(iii)(A)

481 Plaintiff demands judgement in the amount of \$1000.00

482 Count VIII

483

484 On December 08, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs  
485 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)

486 Plaintiff demands judgement in the amount of \$1000.00

487

488 COUNT IX

489

490 On December 08, 2003 the Defendant re-inserted Sherman Acquisition into the  
491 Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)

492 (A)

493 Plaintiff demands judgement in the amount of \$1000.00

494

495 COUNT X

496

497 On October 18, 2004 the Defendant re-inserted WFS Financial into the Plaintiffs  
498 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)

499 Plaintiff demands judgement in the amount of \$1000.00

500

501 COUNT XI

502

503 On September 15,2005 the Defendant re-inserted WFS Financial into the Plaintiffs  
504 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)

505 Plaintiff demands judgement in the amount of \$1000.00

506

507 24. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 24  
508 hereinabove.

509

510 COUNT XII through COUNT XIV

511

512 VIOLATION OF THE FAIR CREDIT REPORTING ACT

513

514 **§ 611. Procedure in case of disputed accuracy** [15 U.S.C. § 1681i]

515 (a) Reinvestigations of disputed information.

516 (1) Reinvestigation required.

517 (A) In general. If the completeness or accuracy of any item of information  
518 contained in a consumer's file at a consumer reporting agency is disputed by the  
519 consumer and the consumer notifies the agency directly of such dispute, the  
520 agency shall reinvestigate free of charge and record the current status of the  
521 disputed information, or delete the item from the file in accordance with

522 paragraph (5), before the end of the 30-day period beginning on the date on which  
523 the agency receives the notice of the dispute from the consumer.

524 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),  
525 the 30-day period described in subparagraph (A) may be extended for not more  
526 than 15 additional days if the consumer reporting agency receives information  
527 from the consumer during that 30-day period that is relevant to the  
528 reinvestigation.

529 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall  
530 not apply to any reinvestigation in which, during the 30-day period described in  
531 subparagraph (A), the information that is the subject of the reinvestigation is  
532 found to be inaccurate or incomplete or the consumer reporting agency  
533 determines that the information cannot be verified.

534 (2) Prompt notice of dispute to furnisher of information.

535 (A) In general. Before the expiration of the 5-business-day period beginning on  
536 the date on which a consumer reporting agency receives notice of a dispute from  
537 any consumer in accordance with paragraph (1), the agency shall provide  
538 notification of the dispute to any person who provided any item of information in  
539 dispute, at the address and in the manner established with the person. The notice  
540 shall include all relevant information regarding the dispute that the agency has  
541 received from the consumer.

542 (B) Provision of other information from consumer. The consumer reporting  
543 agency shall promptly provide to the person who provided the information in  
544 dispute all relevant information regarding the dispute that is received by the  
545 agency from the consumer after the period referred to in subparagraph (A) and  
546 before the end of the period referred to in paragraph (1)(A).

547 (3) Determination that dispute is frivolous or irrelevant.

548 (A) In general. Notwithstanding paragraph (1), a consumer reporting  
549 agency may terminate a reinvestigation of information disputed by a  
550 consumer under that paragraph if the agency reasonably determines  
551 that the dispute by the consumer is frivolous or irrelevant, including by  
552 reason of a failure by a consumer to provide sufficient information to  
553 investigate the disputed information.

554 (B) Notice of determination. Upon making any determination in  
555 accordance with subparagraph (A) that a dispute is frivolous or  
556 irrelevant, a consumer reporting agency shall notify the consumer of  
557 such determination not later than 5 business days after making such  
558 determination, by mail or, if authorized by the consumer for that  
559 purpose, by any other means available to the agency.

560 (C) Contents of notice. A notice under subparagraph (B) shall include



561 (i) the reasons for the determination under subparagraph (A); and

562 (ii) identification of any information required to investigate the

563 disputed information, which may consist of a standardized form

564 describing the general nature of such information.

565 (4) Consideration of consumer information. In conducting any reinvestigation

566 under paragraph (1) with respect to disputed information in the file of any

567 consumer, the consumer reporting agency shall review and consider all relevant

568 information submitted by the consumer in the period described in paragraph

569 (1)(A) with respect to such disputed information.

570 (5) Treatment of inaccurate or unverifiable information.

571 (A) In general. If, after any reinvestigation under paragraph (1) of any

572 information disputed by a consumer, an item of the information is

573 found to be inaccurate or incomplete or cannot be verified, the

574 consumer reporting agency shall promptly delete that item of

575 information from the consumer's file or modify that item of

576 information, as appropriate, based on the results of the reinvestigation.

577 (B) Requirements relating to reinsertion of previously deleted material.

578 (i) Certification of accuracy of information. If any information is

579 deleted from a consumer's file pursuant to subparagraph (A), the

580 information may not be reinserted in the file by the consumer reporting

581 agency unless the person who furnishes the information certifies that

582 the information is complete and accurate.

583 (ii) Notice to consumer. If any information that has been deleted from

584 a consumer's file pursuant to subparagraph (A) is reinserted in the file,

585 the consumer reporting agency shall notify the consumer of the

586 reinsertion in writing not later than 5 business days after the

587 reinsertion or, if authorized by the consumer for that purpose, by any

588 other means available to the agency.

589 (iii) Additional information. As part of, or in addition to, the notice

590 under clause (ii), a consumer reporting agency shall provide to a

591 consumer in writing not later than 5 business days after the date of the

592 reinsertion

593 (I) a statement that the disputed information has been reinserted;

594 (II) the business name and address of any furnisher of information

595 contacted and the telephone number of such furnisher, if reasonably

596 available, or of any furnisher of information that contacted the

597 consumer reporting agency, in connection with the reinsertion of such

598 information; and

599 (III) a notice that the consumer has the right to add a statement to the  
 600 consumer's file disputing the accuracy or completeness of the disputed  
 601 information.

602 (C) Procedures to prevent reappearance. A consumer reporting agency shall  
 603 maintain reasonable procedures designed to prevent the reappearance in a  
 604 consumer's file, and in consumer reports on the consumer, of information that  
 605 is deleted pursuant to this paragraph (other than information that is reinserted  
 606 in accordance with subparagraph (B)(i)).

607 (D) Automated reinvestigation system. Any consumer reporting agency that  
 608 compiles and maintains files on consumers on a nationwide basis shall  
 609 implement an automated system through which furnishers of information to  
 610 that consumer reporting agency may report the results of a reinvestigation that  
 611 finds incomplete or inaccurate information in a consumer's file to other such  
 612 consumer reporting agencies.

613 (6) Notice of results of reinvestigation.

614 (A) In general. A consumer reporting agency shall provide written notice to a  
 615 consumer of the results of a reinvestigation under this subsection not later than  
 616 5 business days after the completion of the reinvestigation, by mail or, if  
 617 authorized by the consumer for that purpose, by other means available to the  
 618 agency.

619 (B) Contents. As part of, or in addition to, the notice under subparagraph (A),  
 620 a consumer reporting agency shall provide to a consumer in writing before the  
 621 expiration of the 5-day period referred to in subparagraph (A)

622 (i) a statement that the reinvestigation is completed;

623 (ii) a consumer report that is based upon the consumer's file as that file is  
 624 revised as a result of the reinvestigation;

625 (iii) a notice that, if requested by the consumer, a description of the procedure  
 626 used to determine the accuracy and completeness of the information shall be  
 627 provided to the consumer by the agency, including the business name and  
 628 address of any furnisher of information contacted in connection with such  
 629 information and the telephone number of such furnisher, if reasonably  
 630 available;

631 (iv) a notice that the consumer has the right to add a statement to the  
 632 consumer's file disputing the accuracy or completeness of the information;  
 633 and

634 (v) a notice that the consumer has the right to request under subsection (d) that  
 635 the consumer reporting agency furnish notifications under that subsection.

636 (7) Description of reinvestigation procedure. A consumer reporting agency shall  
637 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later  
638 than 15 days after receiving a request from the consumer for that description.

639 (8) Expedited dispute resolution. If a dispute regarding an item of information in a  
640 consumer's file at a consumer reporting agency is resolved in accordance with  
641 paragraph (5)(A) by the deletion of the disputed information by not later than 3  
642 business days after the date on which the agency receives notice of the dispute from  
643 the consumer in accordance with paragraph (1)(A), then the agency shall not be  
644 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the  
645 agency

646 (A) provides prompt notice of the deletion to the consumer by telephone;

647 (B) includes in that notice, or in a written notice that accompanies a  
648 confirmation and consumer report provided in accordance with  
649 subparagraph (C), a statement of the consumer's right to request under  
650 subsection (d) that the agency furnish notifications under that  
651 subsection; and

652 (C) provides written confirmation of the deletion and a copy of a  
653 consumer report on the consumer that is based on the consumer's file  
654 after the deletion, not later than 5 business days after making the  
655 deletion.

656 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,  
657 the consumer may file a brief statement setting forth the nature of the dispute.  
658 The consumer reporting agency may limit such statements to not more than  
659 one hundred words if it provides the consumer with assistance in writing a  
660 clear summary of the dispute.

661 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a  
662 statement of a dispute is filed, unless there is reasonable grounds to believe that it is  
663 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent  
664 consumer report containing the information in question, clearly note that it is disputed  
665 by the consumer and provide either the consumer's statement or a clear and accurate  
666 codification or summary thereof.

667 (d) Notification of deletion of disputed information. Following any deletion of  
668 information which is found to be inaccurate or whose accuracy can no longer be  
669 verified or any notation as to disputed information, the consumer reporting agency  
670 shall, at the request of the consumer, furnish notification that the item has been  
671 deleted or the statement, codification or summary pursuant to subsection (b) or (c) of  
672 this section to any person specifically designated by the consumer who has within  
673 two years prior thereto received a consumer report for employment purposes, or  
674 within six months prior thereto received a consumer report for any other purpose,  
675 which contained the deleted or disputed information.

676

677

678



## 679 COUNT XII

680  
681 The Plaintiff sent a letter Certified Mail to Trans Union dated March 5,2004 which  
682 Trans Union received on March 9,2004 the Plaintiff requested the Defendant as  
683 follows. *"Be advised that the description of the procedure used to determine the*  
684 *accuracy and completeness of the information is hereby requested as well, to be*  
685 *provided within 15 days of the completion of your re-investigation. Please include a*  
686 *contact name from which all information is obtained"*.

687 The Defendant to date has not provided this information, violation of (a)(7) and  
688 (6)(iii)

689 Plaintiff demands judgement in the amount of \$1000.00.

690  
691 COUNT XIII

692  
693 The Plaintiff sent a letter Certified Mail to Trans Union dated April 20,2004 which  
694 Trans Union received on April 24,2004 the Plaintiff requested the Defendant as  
695 follows. *"Be advised that the description of the procedure used to determine the*  
696 *accuracy and completeness of the information is hereby requested as well, to be*  
697 *provided within 15 days of the completion of your re-investigation. Please include a*  
698 *contact name from which all information is obtained"*.

699 The Defendant to date has not provided this information, violation of (a)(7) and  
700 (6)(iii)

701 Plaintiff demands judgement in the amount of \$1000.00.

702  
703 COUNT XIV

704  
705 The Plaintiff sent a letter Certified Mail to Trans Union dated May 2, 2004 which  
706 Trans Union received on May 8,2004 the Plaintiff requested the Defendant as  
707 follows. *"Be advised that the description of the procedure used to determine the*  
708 *accuracy and completeness of the information is hereby requested as well, to be*  
709 *provided within 15 days of the completion of your re-investigation. Please include a*  
710 *contact name from which all information is obtained"*.

711 The Defendant to date has not provided this information, violation of (a)(7) and  
712 (6)(iii)

713 Plaintiff demands judgement in the amount of \$1000.00.

714  
715 COUNT XV

716  
717 The Plaintiff sent a letter Certified Mail on or about September 15,2005 to Trans  
718 Union which the defendant received on September 19,2005. The Plaintiff requested  
719 the Defendant as follows. *"Be advised that the description of the procedure used to*  
720 *determine the accuracy and completeness of the information is hereby requested as*  
721 *well, to be provided within 15 days of the completion of your re-investigation. Please*  
722 *include a contact name from which all information is obtained"*.

723 The Defendant to date has not provided this information, violation of (a)(7) and  
724 (6)(iii)

725 Plaintiff demands judgement in the amount of \$1000.00.

726 25. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 25  
727 hereinabove.

728

729 COUNT XVI through COUNT XXVII

730

731 **§ 611. Procedure in case of disputed accuracy** [15 U.S.C. § 1681i]

732 (a) Reinvestigations of disputed information.

733 (1) Reinvestigation required.

734 (A) In general. If the completeness or accuracy of any item of information  
735 contained in a consumer's file at a consumer reporting agency is disputed by the  
736 consumer and the consumer notifies the agency directly of such dispute, the  
737 agency shall reinvestigate free of charge and record the current status of the  
738 disputed information, or delete the item from the file in accordance with  
739 paragraph (5), before the end of the 30-day period beginning on the date on which  
740 the agency receives the notice of the dispute from the consumer.

741 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),  
742 the 30-day period described in subparagraph (A) may be extended for not more  
743 than 15 additional days if the consumer reporting agency receives information  
744 from the consumer during that 30-day period that is relevant to the  
745 reinvestigation.

746 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall  
747 not apply to any reinvestigation in which, during the 30-day period described in  
748 subparagraph (A), the information that is the subject of the reinvestigation is  
749 found to be inaccurate or incomplete or the consumer reporting agency  
750 determines that the information cannot be verified.

751 (2) Prompt notice of dispute to furnisher of information.

752 (A) In general. Before the expiration of the 5-business-day period beginning on  
753 the date on which a consumer reporting agency receives notice of a dispute from  
754 any consumer in accordance with paragraph (1), the agency shall provide  
755 notification of the dispute to any person who provided any item of information in  
756 dispute, at the address and in the manner established with the person. The notice  
757 shall include all relevant information regarding the dispute that the agency has  
758 received from the consumer.

759 (B) Provision of other information from consumer. The consumer reporting  
760 agency shall promptly provide to the person who provided the information in  
761 dispute all relevant information regarding the dispute that is received by the  
762 agency from the consumer after the period referred to in subparagraph (A) and  
763 before the end of the period referred to in paragraph (1)(A).

764 (3) Determination that dispute is frivolous or irrelevant.

765 (A) In general. Notwithstanding paragraph (1), a consumer reporting  
 766 agency may terminate a reinvestigation of information disputed by a  
 767 consumer under that paragraph if the agency reasonably determines  
 768 that the dispute by the consumer is frivolous or irrelevant, including by  
 769 reason of a failure by a consumer to provide sufficient information to  
 770 investigate the disputed information.

771 (B) Notice of determination. Upon making any determination in  
 772 accordance with subparagraph (A) that a dispute is frivolous or  
 773 irrelevant, a consumer reporting agency shall notify the consumer of  
 774 such determination not later than 5 business days after making such  
 775 determination, by mail or, if authorized by the consumer for that  
 776 purpose, by any other means available to the agency.

777 (C) Contents of notice. A notice under subparagraph (B) shall include

778 (i) the reasons for the determination under subparagraph (A); and

779 (ii) identification of any information required to investigate the  
 780 disputed information, which may consist of a standardized form  
 781 describing the general nature of such information.

782 (4) Consideration of consumer information. In conducting any reinvestigation  
 783 under paragraph (1) with respect to disputed information in the file of any  
 784 consumer, the consumer reporting agency shall review and consider all relevant  
 785 information submitted by the consumer in the period described in paragraph  
 786 (1)(A) with respect to such disputed information.

787 (5) Treatment of inaccurate or unverifiable information.

788 (A) In general. If, after any reinvestigation under paragraph (1) of any  
 789 information disputed by a consumer, an item of the information is  
 790 found to be inaccurate or incomplete or cannot be verified, the  
 791 consumer reporting agency shall promptly delete that item of  
 792 information from the consumer's file or modify that item of  
 793 information, as appropriate, based on the results of the reinvestigation.

794 (B) Requirements relating to reinsertion of previously deleted material.

795 (i) Certification of accuracy of information. If any information is  
 796 deleted from a consumer's file pursuant to subparagraph (A), the  
 797 information may not be reinserted in the file by the consumer reporting  
 798 agency unless the person who furnishes the information certifies that  
 799 the information is complete and accurate.

800 (ii) Notice to consumer. If any information that has been deleted from  
 801 a consumer's file pursuant to subparagraph (A) is reinserted in the file,  
 802 the consumer reporting agency shall notify the consumer of the  
 803 reinsertion in writing not later than 5 business days after the



804 reinsertion or, if authorized by the consumer for that purpose, by any  
805 other means available to the agency.

806 (iii) Additional information. As part of, or in addition to, the notice  
807 under clause (ii), a consumer reporting agency shall provide to a  
808 consumer in writing not later than 5 business days after the date of the  
809 reinsertion

810 (I) a statement that the disputed information has been reinserted;

811 (II) the business name and address of any furnisher of information  
812 contacted and the telephone number of such furnisher, if reasonably  
813 available, or of any furnisher of information that contacted the  
814 consumer reporting agency, in connection with the reinsertion of such  
815 information; and

816 (III) a notice that the consumer has the right to add a statement to the  
817 consumer's file disputing the accuracy or completeness of the disputed  
818 information.

819 (C) Procedures to prevent reappearance. A consumer reporting agency shall  
820 maintain reasonable procedures designed to prevent the reappearance in a  
821 consumer's file, and in consumer reports on the consumer, of information that  
822 is deleted pursuant to this paragraph (other than information that is reinserted  
823 in accordance with subparagraph (B)(i)).

824 (D) Automated reinvestigation system. Any consumer reporting agency that  
825 compiles and maintains files on consumers on a nationwide basis shall  
826 implement an automated system through which furnishers of information to  
827 that consumer reporting agency may report the results of a reinvestigation that  
828 finds incomplete or inaccurate information in a consumer's file to other such  
829 consumer reporting agencies.

830 (6) Notice of results of reinvestigation.

831 (A) In general. A consumer reporting agency shall provide written notice to a  
832 consumer of the results of a reinvestigation under this subsection not later than  
833 5 business days after the completion of the reinvestigation, by mail or, if  
834 authorized by the consumer for that purpose, by other means available to the  
835 agency.

836 (B) Contents. As part of, or in addition to, the notice under subparagraph (A),  
837 a consumer reporting agency shall provide to a consumer in writing before the  
838 expiration of the 5-day period referred to in subparagraph (A)

839 (i) a statement that the reinvestigation is completed;

840 (ii) a consumer report that is based upon the consumer's file as that file is  
841 revised as a result of the reinvestigation;

842 (iii) a notice that, if requested by the consumer, a description of the procedure  
 843 used to determine the accuracy and completeness of the information shall be  
 844 provided to the consumer by the agency, including the business name and  
 845 address of any furnisher of information contacted in connection with such  
 846 information and the telephone number of such furnisher, if reasonably  
 847 available;

848 (iv) a notice that the consumer has the right to add a statement to the  
 849 consumer's file disputing the accuracy or completeness of the information;  
 850 and

851 (v) a notice that the consumer has the right to request under subsection (d) that  
 852 the consumer reporting agency furnish notifications under that subsection.

853 (7) Description of reinvestigation procedure. A consumer reporting agency shall  
 854 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later  
 855 than 15 days after receiving a request from the consumer for that description.

856 (8) Expedited dispute resolution. If a dispute regarding an item of information in a  
 857 consumer's file at a consumer reporting agency is resolved in accordance with  
 858 paragraph (5)(A) by the deletion of the disputed information by not later than 3  
 859 business days after the date on which the agency receives notice of the dispute from  
 860 the consumer in accordance with paragraph (1)(A), then the agency shall not be  
 861 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the  
 862 agency

863 (A) provides prompt notice of the deletion to the consumer by telephone;

864 (B) includes in that notice, or in a written notice that accompanies a  
 865 confirmation and consumer report provided in accordance with  
 866 subparagraph (C), a statement of the consumer's right to request under  
 867 subsection (d) that the agency furnish notifications under that  
 868 subsection; and

869 (C) provides written confirmation of the deletion and a copy of a  
 870 consumer report on the consumer that is based on the consumer's file  
 871 after the deletion, not later than 5 business days after making the  
 872 deletion.

873 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,  
 874 the consumer may file a brief statement setting forth the nature of the dispute.  
 875 The consumer reporting agency may limit such statements to not more than  
 876 one hundred words if it provides the consumer with assistance in writing a  
 877 clear summary of the dispute.

878 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a  
 879 statement of a dispute is filed, unless there is reasonable grounds to believe that it is  
 880 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent  
 881 consumer report containing the information in question, clearly note that it is disputed

882 by the consumer and provide either the consumer's statement or a clear and accurate  
883 codification or summary thereof.

884 (d) Notification of deletion of disputed information. Following any deletion of  
885 information which is found to be inaccurate or whose accuracy can no longer be  
886 verified or any notation as to disputed information, the consumer reporting agency  
887 shall, at the request of the consumer, furnish notification that the item has been  
888 deleted or the statement, codification or summary pursuant to subsection (b) or (c) of  
889 this section to any person specifically designated by the consumer who has within  
890 two years prior thereto received a consumer report for employment purposes, or  
891 within six months prior thereto received a consumer report for any other purpose,  
892 which contained the deleted or disputed information.

893  
894 26. The Plaintiff provided proof of dispute by sending copies of each letter sent to  
895 trade lines in dispute and copies of US mail certification of each disputed  
896 trade line to the Defendant in his letter of April 20 and May 2, 2004. The  
897 Defendant is required under the law to insert that the account is in dispute,  
898 which the Defendant has not done. This also includes trade lines that were  
899 deleted and reinserted into the Plaintiffs credit report.

900  
901 COUNT XVI

902  
903 Trade Line MBNA Defendant did not note as in dispute. Violation of section 8(c)  
904 Plaintiff demands judgement in the amount of \$1000.00.

905  
906 COUNT XVII

907  
908 Trade Line Bank One Columbus Defendant did note as in dispute. Violation of  
909 section 8(c)  
910 Plaintiff demands judgement in the amount of \$1000.00.

911  
912 COUNT XVIII

913  
914 Trade Line Providian Defendant did not note as in dispute. Violation of section 8(c)  
915 Plaintiff demands judgement in the amount of \$1000.00.

916  
917 COUNT XIX

918  
919 Trade Line GECC Defendant did not note as in dispute. Violation of section 8(c)  
920 Plaintiff demands judgement in the amount of \$1000.00.

921  
922 COUNT XX

923  
924 Trade Line Home Depot Defendant did not note as in dispute. Violation of section  
925 8(c)  
926 Plaintiff demands judgement in the amount of \$1000.00.



928 COUNT XXI

929

930 Trade Line Lowes GECAP Defendant did not note as in dispute. Violation of section  
931 8(c)

932 Plaintiff demands judgement in the amount of \$1000.00.

933

934 COUNT XXII

935

936 Trade Line Collect America Defendant did not note as in dispute. Violation of section  
937 8(c)

938 Plaintiff demands judgement in the amount of \$1000.00.

939

940 COUNT XXIII

941

942 Trade Line Anderson Financial Network Defendant did not note as in dispute.

943 Violation of section 8(c)

944 Plaintiff demands judgement in the amount of \$1000.00.

945

946 COUNT XXIV

947

948 Trade Line Mortgage Service Center Defendant did not note as in dispute. Violation  
949 of section 8(c)

950 Plaintiff demands judgement in the amount of \$1000.00.

951

952 COUNT XXV

953

954 Trade Line WFN Value City Defendant did not note as in dispute. Violation of  
955 section 8(c)

956 Plaintiff demands judgement in the amount of \$1000.00.

957

958 COUNT XXVI

959

960 Trade Line WFS Financial, Defendant did not note as in dispute. Violation of section  
961 8(c)

962 Plaintiff demands judgement in the amount of \$1000.00.

963

964 COUNT XXVII

965

966 Trade Line WFS Financial, (Sept.05)report #144209481 Defendant did not note as in  
967 dispute. Violation of section 8(c)

968 Plaintiff demands judgement in the amount of \$1000.00.

969

970 26.Plaintiff re-alleges the allegations set forth in paragraphs 1 through 26  
971 hereinabove.

972

973 **616. Civil liability for willful noncompliance** [15 U.S.C. § 1681n]

974 (a) In general. Any person who willfully fails to comply with any requirement  
 975 imposed under this title with respect to any consumer is liable to that consumer in an  
 976 amount equal to the sum of

977  
 978 (1) (A) any actual damages sustained by the consumer as a result of the failure or  
 979 damages of not less than \$100 and not more than \$1,000; or

980 (B) in the case of liability of a natural person for obtaining a consumer report  
 981 under false pretenses or knowingly without a permissible purpose, actual  
 982 damages sustained by the consumer as a result of the failure or \$1,000,  
 983 whichever is greater;

984 (2) such amount of punitive damages as the court may allow; and

985 (3) in the case of any successful action to enforce any liability under this section, the  
 986 costs of the action together with reasonable attorney's fees as determined by the court.

987(b) Civil liability for knowing noncompliance. Any person who obtains a consumer  
 988report from a consumer reporting agency under false pretenses or knowingly without a  
 989permissible purpose shall be liable to the consumer reporting agency for actual damages  
 990sustained by the consumer reporting agency or \$1,000, whichever is greater.

991 (c) Attorney's fees. Upon a finding by the court that an unsuccessful pleading, motion,  
 992or other paper filed in connection with an action under this section was filed in bad faith  
 993or for purposes of harassment, the court shall award to the prevailing party attorney's fees  
 994reasonable in relation to the work expended in responding to the pleading, motion, or  
 995other paper.

996 **§ 617. Civil liability for negligent noncompliance** [15 U.S.C. § 1681o]

997(a) In general. Any person who is negligent in failing to comply with any requirement  
 998imposed under this title with respect to any consumer is liable to that consumer in an  
 999amount equal to the sum of

1000 (1) any actual damages sustained by the consumer as a result of the failure;

1001 (2) in the case of any successful action to enforce any liability under this section, the  
 1002 costs of the action together with reasonable attorney's fees as determined by the court.

1003(b) Attorney's fees. On a finding by the court that an unsuccessful pleading, motion, or  
 1004other paper filed in connection with an action under this section was filed in bad faith or  
 1005for purposes of harassment, the court shall award to the prevailing party attorney's fees  
 1006reasonable in relation to the work expended in responding to the pleading, motion, or  
 1007other paper.

1008

1009 24. Plaintiff demands judgement in the amount of \$350,000.00 for willful non-  
 1010 compliance and negligent noncompliance.

1011 27. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 27  
 1012 hereinabove.

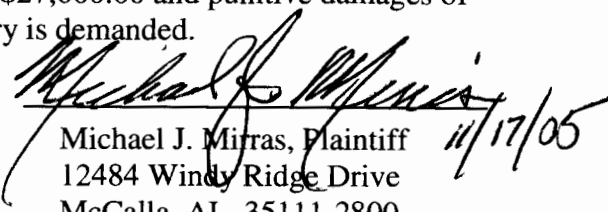
1013  
 1014 Statute of Limitation and Jurisdiction of the Court.  
 1015

1016 **§ 618. Jurisdiction of courts; limitation of actions** [15 U.S.C. § 1681p]

1017 An action to enforce any liability created under this title may be brought in any  
 1018 appropriate United States district court without regard to the amount in controversy,  
 1019 or in any other court of competent jurisdiction, within two years from the date on  
 1020 which the liability arises, except that where a defendant has materially and willfully  
 1021 misrepresented any information required under this title to be disclosed to an  
 1022 individual and the information so misrepresented is material to the establishment of  
 1023 the defendant's liability to that individual under this title, the action may be brought at  
 1024 any time within two years after discovery by the individual of the misrepresentation.  
 1025

1026 **WHEREFORE**, the Defendant has violated the Fair Credit Reporting Act.  
 1027 The Plaintiffs credit score and credit report has been damaged causing, based upon  
 1028 the foregoing, the Plaintiff has suffered the denial of credit, higher interest rates to  
 1029 obtain credit, monetary damages, humiliation, mental anguish, emotional distress  
 1030 embarrassment and injury to creditworthiness. The Plaintiffs reputation has been  
 1031 damaged. Plaintiff has a negative Trans Union Credit Score of 547 as of this date and  
 1032 has been denied credit at reasonable rates because of the actions and/or inaction's of  
 1033 the defendant.  
 1034 Defendant has willfully, repeatedly and knowingly violated Plaintiff's rights afforded  
 1035 under The Federal Fair Credit Reporting Act (FCRA).  
 1036

1037 **THEREFORE**, the Plaintiff respectfully requests a Judgment of this Court awarding  
 1038 economic, compensatory and punitive damages all as provided by law, equitable  
 1039 relief, the costs and disbursements of this action and for such other and further relief  
 1040 as the Court may deem just and proper.  
 1041 As stated, damages of \$1,000 per violation, total \$27,000.00 and punitive damages of  
 1042 \$350,000.00 as allowed by the court. Trial by Jury is demanded.  
 1043  
 1044

  
 Michael J. Mirras, Plaintiff 11/17/05  
 12484 Windy Ridge Drive  
 McCalla, AL. 35111-2800  
 205-938-1982/559-4610



FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

Michael J. Mirras  
Plaintiff

Vs.

Case No.:

Trans Union LLC  
Defendant

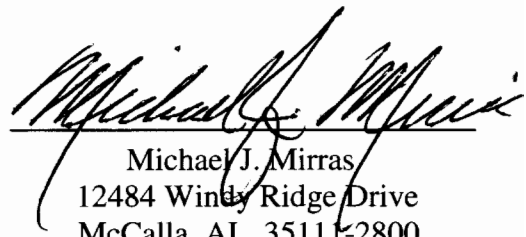
CV-05-J-2360-S

**STATEMENT UPON WHICH RELIEF CAN BE GRANTED**

The defendant has violated the law under The Fair Credit Reporting Act 15 U.S.C. §1681*et seq*

1. A settlement agreement between the Plaintiff and the Defendant that the Defendant shall remove any derogatory information and baseless inquires from the Plaintiff's Trans Union credit report file. Merge all files to create one file under the legal name of the Plaintiff, Michael J. Mirras. Trans Union will assure that the correct information appears now and in the future on all credit reports submitted to any credit requestor and or credit-reporting agency Trans Union uses. Trans Union will update to all its subsidiaries and or other independent reporting agencies that obtain this information from Trans Union and provide proof to the Plaintiff that this has been done. And that Trans Union will assure that the removed derogatory information is blocked from future re-insertion into the Plaintiff's credit report and any other known credit reporting agencies Trans Union has used now or may use in the future.
2. Defendant must also provide a letter and or Universal Data Form indicating that they have provided the above actions and send same to the Plaintiff. The Defendant will be barred from selling or transferring of the incorrect deleted derogatory information to any other entity, credit reporting agency or credit provider and also barred now and in the future from re-entering this information into the Plaintiffs credit report.
3. Payment in the amount of \$377,000.00 total for each of the separate violations and punitive damages the Defendant has committed.

Dated this 17<sup>TH</sup> Day of November, 2005

  
Michael J. Mirras  
12484 Windy Ridge Drive  
McCalla, AL. 35111-2800  
205-938-1982/559-4610